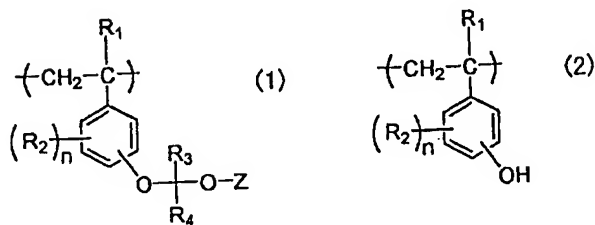


### AMENDMENTS TO THE CLAIMS

**This listing of claims will replace all prior versions and listings of claims in the application:**

#### **LISTING OF CLAIMS:**

1. (currently amended): A positive working resist composition comprising (A1) a resin containing a repeating unit represented by formula (1) shown below and a repeating unit represented by formula (2) shown below and having a property of being insoluble or sparingly soluble in an alkali developing solution and becoming soluble in an alkali developing solution by the action of an acid, ~~and~~ (B) a compound capable of generating sulfonic acid upon irradiation with active rays or radiations in an amount of from 5 to 20% by weight based on the total solid content of the positive working resist composition, and (D) a compound capable of generating a carboxylic acid upon irradiation with active rays or radiations in an amount of from 0.05 to 3% by weight based on the total solid content of the positive working resist composition:

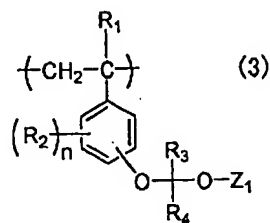
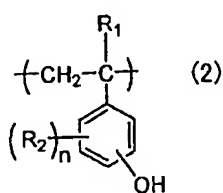


wherein  $\text{R}_1$  represents a hydrogen atom, a methyl group, a cyano group, a halogen atom or a perfluoroalkyl group having from 1 to 4 carbon atoms;  $\text{R}_2$  represents a hydrogen atom, an

alkyl group, a halogen atom, an aryl group, an alkoxy group or an acyl group;  $R_3$  and  $R_4$  each independently represent a hydrogen atom or an alkyl group having from 1 to 4 carbon atoms;  $Z$  represents a hydrocarbon group having from 6 to 30 carbon atoms and containing at least one cyclic structural unit selected from an alicyclic structure, an aromatic cyclic structure and a bridged alicyclic structure; and  $n$  represents an integer of from 0 to 4.

2. (original): The positive working resist composition according to claim 1, which further comprises (C) a nitrogen-containing basic compound.

3. (original): The positive working resist composition according to claim 1, which further comprises (A2) a resin containing a repeating unit represented by formula (2) below and a repeating unit represented by formula (3) below and having a property of being insoluble or sparingly soluble in an alkali developing solution and becoming soluble in an alkali developing solution by the action of an acid:



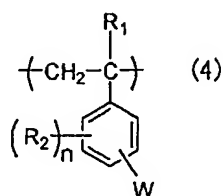
wherein  $R_1$  represents a hydrogen atom, a methyl group, a cyano group, a halogen atom or a perfluoroalkyl group having from 1 to 4 carbon atoms;  $R_2$  represents a hydrogen atom, an

alkyl group, a halogen atom, an aryl group, an alkoxy group or an acyl group;  $R_3$  and  $R_4$  each independently represent a hydrogen atom or an alkyl group having from 1 to 4 carbon atoms;  $Z_1$  represents a hydrocarbon group having from 1 to 5 carbon atoms; and  $n$  represents an integer of from 0 to 4.

4. (original): The positive working resist composition according to claim 1, wherein an amount of the compound (B) capable of generating sulfonic acid upon irradiation with active rays or radiations is from 7 to 16% by weight based on the total solid content of the positive working resist composition.

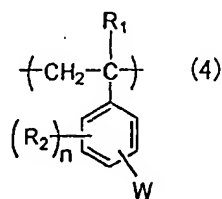
Claim 5 (canceled).

6. (original): The positive working resist composition according to claim 1, wherein the resin (A1) contains the repeating unit represented by formula (1), the repeating unit represented by formula (2) and a repeating unit represented by the following formula (4):



wherein,  $R_1$ ,  $R_2$ , and  $\underline{n}$  have the same meanings as  $R_1$ ,  $R_2$ , and  $\underline{n}$  in formula (1), respectively; and W represents a group that is not decomposed by the action of an acid.

7. (original): The positive working resist composition according to claim 3, wherein the resin (A2) contains the repeating unit represented by the formula (2), the repeating unit represented by the formula (3) and a repeating unit represented by the formula (4):



wherein,  $R_1$ ,  $R_2$ , and  $\underline{n}$  have the same meanings as  $R_1$ ,  $R_2$ , and  $\underline{n}$  in formula (2), respectively; and W represents a group that is not decomposed by the action of an acid.

8. (original): The positive working resist composition according to claim 1, which further comprises a fluorine based and/or silicon based surfactant.

9. (currently amended): The positive working resist composition according to claim 1, wherein the weight ratio of the compound (D) capable of generating a carboxylic acid upon irradiation with active rays or radiations/the compound (B) capable of generating a sulfonic acid is ~~99.9/0.1~~ 0.1/99.9 to 50/50.

Amendment Under 37 C.F.R. § 1.114(c)  
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10. (currently amended): The positive working resist composition according to claim 1, wherein the weight ratio of the compound (D)/the compound (B) is ~~99/1 to 60/40~~ 1/99 to 40/60.

11. (currently amended): The positive working resist composition according to claim 1, wherein the weight ratio of the compound (D)/the compound (B) is ~~98/2 to 70/30~~ 2/98 to 30/70.